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THE SITUATION IN BOSNIA AND HERZEGOVINA

SECURITY COUNCIL
Forty-eighth year

Letter dated 24 November 1993 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the Secretary-General

I have the honour to present to you the attached letters of intention dated 15 November 1993 from my Government (see annex).

May I ask for your kind assistance in circulating the present letter and its annex as a document of the General Assembly, under agenda item 42, and of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador and
Permanent Representative

ANNEX

STATEMENT OF INTENTION BY THE REPUBLIC OF BOSNIA AND HERZEGOVINA TO INSTITUTE LEGAL PROCEEDINGS AGAINST THE UNITED KINGDOM BEFORE THE INTERNATIONAL COURT OF JUSTICE

15 November, 1993.

Today, the Republic of Bosnia and Herzegovina hereby states our solemn intention to institute legal proceedings against the United Kingdom before the International Court of Justice for violating the terms of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide; of the 1965 International Convention on the Elimination of All Forms of Racial Discrimination; and of the other sources of general international law set forth in Article 38 of the World Court's Statute. We have already issued formal instructions to that effect to our Attorneys-of-Record before the World Court. They are currently drafting an Application and a Request for Provisional Measures against the United Kingdom. We have instructed our lawyers to file these papers with the World Court as soon as physically possible. In the meantime, we hereby reserve all of our international legal rights against the United Kingdom.

I.

Both the Republic of Bosnia and Herzegovina and the United Kingdom are contracting parties to the 1948 Genocide Convention. Article IX of the Genocide Convention provides as follows:

> "Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute."

We will sue the United Kingdom for violating the following provisions of the Genocide Convention, inter alia:

First, in our Application and Request to the World Court, we will charge that the United Kingdom has failed in their affirmative obligation and refused "to prevent" genocide against the People and State of Bosnia and Herzegovina in violation of Article I of the Genocide Convention, which provides as follows:

> "The Contracting Parties confirm that genocide, whether committed in the time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish."

Second, in our Application and Request to the World Court, we

will charge that the United Kingdom has illegally imposed and maintained an arms embargo upon the Republic of Bosnia and Herzegovina in violation of U.N. Charter Article 51 while acting in its capacity as a Permanent Member of the United Nations Security Council. The United Kingdom has also aided and abetted the ongoing genocide against the People and State of Bosnia and Herzegovina by actively opposing all of the efforts by other States to "lift" this illegal arms embargo. For these reasons, we will charge that the United Kingdom has violated Article III, paragraph (e) of the Genocide Convention that expressly prohibits "complicity in genocide." The legal basis for this charge has been developed at length by Judge ad hoc Elihu Lauterpacht in his Separate Opinion attached to the World Court's Order of 13 September 1993 in the Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro)), which is currently pending.

Finally, in our Application and Request to the World Court, we will charge that the United Kingdom is both jointly and severally liable for all of the harm that has been inflicted upon the People and State of Bosnia and Herzegovina because the United Kingdom is an aider and abettor to genocide under the Genocide Convention and international criminal law.

In drafting these legal pleadings for the World Court, and during the course of the subsequent proceedings, our lawyers will also name and implicate other Member States of the U.N. Security Council that have supported this illegal arms embargo in violation of U.N. Charter Article 51, as aiders and abettors to genocide against the People and State of Bosnia and Herzegovina. We will not sue these other States at this time.

We also serve notice upon all of the more than 100 Contracting Parties to the Genocide Convention that each and every one of them has a solemn legal and moral obligation "to prevent" the commission of genocide in and against the People and State of the Republic of Bosnia and Herzegovina as required by Article I.

## II.

Both the Republic of Bosnia and Herzegovina and the United Kingdom are also contracting parties to the 1965 International Convention on the Elimination of All Forms of Racial Discrimination. Article 22 thereof provides as follows:

"Article 22

"Any dispute between two or more States Parties over the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall at the request of any of the parties to the dispute be referred to the International Court

of Justice for decision, unless the disputants agree to another mode of settlement."

The United Kingdom has promoted options, ostensibly as solutions to the aggression against the Republic of Bosnia and Herzegovina, that are inconsistent with the terms of this treaty.

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This Statement will be circulated to all Members of the United Nations Organization, and will also be filed with the International Court of Justice.

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